

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215+106

CRM-M-38191-2022 (O&M)

Date of decision: 23.02.2023

NEERJA @ NEERAJ SHARMA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rohit Joshi, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

CRM-8847-2023

For the reasons mentioned in the application, same is allowed.

Annexure A-3 is taken on record, subject to all just exceptions.

CRM-M-38191-2022

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.39 dated 21.05.2022, under Sections 304, 323, 148, 149, 506 IPC registered at Police Station Talwara, District Hoshiarpur.

Learned counsel contends that the petitioner is in custody since 21.05.2022 i.e. for the last 9 months and 22 days. He submits that as per the FIR, there is no specific allegation against the petitioner. There are general allegations in the FIR that someone pushed the father of the complainant, however, as per Chemical Examiner report and post mortem report, there is no injury found on the person of the deceased of having fallen. As per doctor opinion, cause of death is pre-existing Cardio Megaly disease. No overt act has been attributed to the

petitioner. He is not involved in any other case. Out of 16 prosecution witnesses, only 3 have been examined including the complainant.

Learned State counsel has produced the custody certificate dated 30.09.2022, which is taken on record. As per the same the custody of the petitioner is 4 months and 11 days. He opposes the bail on the ground that in connivance with the other co-accused, he assaulted the father of the complainant, on account of which he succumbed to the injuries. He is however unable to controvert the submissions made by learned counsel for the petitioner, with regard to the fact that his not being involved in any other case and the stage of the trial.

Heard.

In view of the facts and circumstances of the case, in particular that the he is in custody since 21.05.2022; he is not involved in any other case; complainant stands examined; out of 16 prosecution witnesses, only 3 have yet been examined, the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- 6. The petitioner shall not in any manner misuse his liberty.
- 7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

February 23, 2023

M.Kamra

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No